



**In the  
Indiana Supreme Court**

IN THE MATTER OF

APPROVAL OF LOCAL RULES

FOR CLINTON COUNTY

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Cause No. 12S00-1002-MS- 96

ORDER RE-APPROVING CASELOAD ALLOCATION PLAN

Pursuant to Ind. Administrative Rule 1, the Judges of the Clinton County Circuit and Superior Courts, request this Court to re-approve their caseload allocation plan based upon their revalidation of the plan.

And this Court being duly advised, now finds that the caseload allocation plan for Clinton County should be re-approved.

IT IS, THEREFORE, ORDERED by this Court, based upon revalidation by the Clinton County Judges, that the Clinton County caseload allocation plan, a copy of which is attached hereto, is re-approved.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Linley E. Pearson, Clinton Circuit Court, 355 Courthouse Square, Frankfort, IN 46041-1964; the Hon. Justin Hunter, Clinton Superior Court, 320 Courthouse Square, Frankfort, IN 46041-1963; to the Clerk of the Clinton Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Clinton Circuit Court is directed to enter this Order in the Record of Judgments and Orders for the Courts, to post this Order for examination by the Bar and the

general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 9<sup>th</sup> day of February, 2010.

RT Shepard

Randall T. Shepard  
Chief Justice of Indiana

## **LR12 - CR2.2-CR1**

### **FILING CRIMINAL CASES**

As required by Criminal Rule 2.2, and subject to approval by the Indiana Supreme Court, Clinton Circuit Court and Clinton Superior Court adopt the following Local Rule by which Felony and Misdemeanor cases are assigned to each Court:

Other than as excepted below, all criminal cases involving felonies or murder shall be assigned to a court on a monthly rotating basis according to the MONTH in which the felony occurred. If the crime occurred in an even month (Feb, April, June, etc.), the matter shall be assigned to Superior Court. If the crime occurred in an odd month (Jan, March, May, etc.), the matter shall be assigned to Circuit Court.

#### Exceptions:

1. All cases involving Title 9 (Traffic) shall be Assigned to Superior Court.
2. All cases of Theft/Receiving Stolen Property or Auto Theft shall be assigned to Circuit Court.
3. All cases related to Child Molestation, Deviate Conduct or Sexual Battery shall be assigned to Circuit Court.

Where multiple offenses are filed, the date of the earliest offense shall control the court assignment.

Where multiple offenses are filed, the most serious offense shall control the court assignment.

Should the month of the offense be unknown, case shall be assigned according to year of offense, even-numbered to Superior and odd-number to Circuit.

A judge of either Court may transfer and reassign to the other Court any pending case, subject to the acceptance by the receiving Court.

In the event additional related charges are filed against a defendant after a Court has been assigned, such additional charges shall be filed in the same Court.

Superior Court shall be assigned the first 600 Misdemeanor cases each year. Should more than 600 Misdemeanor cases be filed in any particular year, they shall be assigned to Circuit Court (excepting Traffic).

**LR12 - CR 2.2-CR2**  
**REASSIGNMENT APPOINTMENT OF SPECIAL JUDGE**

As required by Criminal Rules 12 and 13, and subject to approval by the Indiana Supreme Court, Clinton Circuit and Superior Courts adopt the following Local Rule concerning the Reassignment of cases and also the Appointment of Special Judges.

**REASSIGNMENT**

In the event it becomes necessary to reassign a felony or misdemeanor, said cause shall be transferred and heard by the other judge, if available. If other judge is not available for said assignment, cause shall be reassigned to a judge listed in the following Alternative Appointment List. Judges shall be reassigned in consecutive order as needed to the presiding judges of the following courts: Boone Circuit, Boone Superior 1, Boone Superior 2, Carroll Circuit Carroll Superior, and Tipton Circuit.

**APPOINTMENT OF SPECIAL JUDGE**

In the event no judge is available for assignment or reassignment of a criminal case, such case shall be certified to the Indiana Supreme Court for appointment of a special judge. In the event the presiding judge in a criminal case concludes that the unique circumstances presented in such proceeding require appointment of a special judge, the presiding judge may request that the Indiana Supreme Court make such an appointment.

**LR12 TR79-CIV 3**

As required by T.R. 79, and as agreed by the judges of the 4<sup>th</sup> Administrative (Judicial) District, Clinton County adopts the following Local Rule:

1) Counties of the 4<sup>th</sup> Administrative District, excluding Tippecanoe County, shall maintain a list in each Court of each judge from his/her county and contiguous 4<sup>th</sup> District counties. When appointment of a special judge is necessary pursuant to T.R. 79 (H), the Judge shall appoint a judge from his/her list on a rotating basis. The list for each Clinton County Court shall include the other judge and: Judge, Montgomery Circuit Court; Judge, Montgomery Superior Court 1; Judge, Montgomery Superior Court 2; Judge, Carroll Circuit Court; and Judge, Carroll Superior Court.

2) Juvenile Cases. Each judge of the 4<sup>th</sup> District who routinely presides over juvenile cases shall maintain a list of each other such Judge and, when required pursuant to Trial Rule 79(H) to assign a special judge, shall assign a judge from said list on a rotating basis.

3) If the judge selected by this Rule becomes disqualified or no judge is eligible to serve as special judge, the judge having jurisdiction of the cause shall notify the Indiana Supreme Court of the circumstances relevant thereto and request that a special judge be appointed by the Supreme Court.

#### **LR12-CR 2.2-CR 4 CASELOAD PARITY**

Clinton County's courts, by agreement, permit open filing of civil matters in either court, except that small claims are specifically reserved to Superior Court. Juvenile cases are specifically reserved to Clinton Circuit Court.

Clinton County Local Rule #1, as required by Criminal Rule 2.2, was adopted by both courts April 28, 1995 and pertain primarily to criminal case assignment.

Pursuant to these agreements, the caseload between courts in Clinton County are substantially even, as reported by the Supreme Court weighted caseload measures. And counsel are well-served by their opportunity to select forum.

There is no present need to further specify case assignment to achieve parity. Each year, when caseload statistics are published, both courts agree to review statistics and make any changes necessary to maintain substantially similar caseloads.

Courts further agree that cases may be transferred between one another as agreed, and as deemed appropriate and/or necessary.